

1 Shortly after defendants filed an answer, Amarir filed a motion for a
2 temporary restraining order (“TRO)/preliminary injunction. For the reasons stated
3 in defendants’ opposition papers, the motion (doc # 12) is DENIED. Although
4 Amarir has made clear his dissatisfaction with the dental treatment he has received
5 at CTF, he has demonstrated neither a combination of probable success on the
6 merits and the possibility of irreparable injury, nor that serious questions are
7 raised and the balance of hardships tips sharply in their favor. See Bernhardt v. Los
8 Angeles County, 339 F.3d 920, 925 (9th Cir. 2003).

9 Amarir has filed three other motions. Good cause appearing, Amarir’s
10 motion (doc # 35) for leave to file an amended complaint is GRANTED. See Fed.
11 R. Civ. P. 15(a). The clerk is instructed to file the proposed amended complaint
12 submitted by Amarir on October 17, 2005 as the First Amended Complaint
13 (“FAC”) in this matter.

14 Amarir’s motion (doc # 36) for an order compelling further production of
15 documents is DENIED. The court finds that Amarir has not complied with the
16 meet-and-confer requirements of the Federal Rules of Civil Procedure and the
17 Court’s Local Rules because his letter to defendants does not explain why the
18 documents he seeks should be produced.

19 Amarir’s motion (doc # 41) for appointment of counsel is DENIED for lack
20 of exceptional circumstances. See Franklin v. Murphy, 745 F.2d 1221, 1236 (9th
21 Cir. 1984) (decision to request counsel to represent an indigent litigant under §
22 1915 is within “the sound discretion of the trial court and is granted only in
23 exceptional circumstances”).

24 SO ORDERED.

25 DATED: Dec. 01, 2005



CHARLES R. BREYER
United States District Judge